

REMARKS

The Applicant gratefully acknowledges the allowance of claims 1-5 and 17.

The listing of claims beginning on page 2 replaces all prior versions of claims. Confirming the telephone interview of August 23, 2006 between the undersigned Attorney for the Applicant and the Examiner, it is understood that claim 17 was allowed based upon the version of that claim presented on September 30, 2005. The Attorney acknowledges an error in subsequent presentation of the claims on April 28, 2006. Allowed claim 17 is therefore presented here as amended on September 30, 2006. Also, claims 18 and 19 were cancelled on September 30, 2006 and are represented as such in this response.

Claims 6-16 remain rejected under 35 USC § 112, second paragraph as failing to set forth the subject matter which the Applicant regards as his invention. The Examiner maintains that there is evidence that the claims fail to correspond in scope with that which Applicant regards as the invention and asserts that the Applicant relies upon certain features to distinguish from the references which are not recited in the claims. Specifically, the Examiner maintains that claims 6-16 do not recite a module which allows both services to pass through a modem and be filtered in the modem such that only voice services exit from the modem to the premise output.

The Examiner is relying upon statements made in the Applicant's reply of September 30, 2005. Specifically, on the second page of the Remarks, in distinguishing claim 1 from the '115 reference, the following remarks were included:

"While the '115 reference shows directing B-channel data services along one path and B-channels voice services along another path, **it does not teach nor suggest a module which allows both services to pass through a modem and be filtered in the modem such that only the voice services exit from the modem to the premise output.** For these reasons, Applicant contends that claim 1, is distinguishable from the '115 reference and that the '115 reference does not teach nor suggest the combination of elements as recited in claim 1."

In rejecting independent claims 6 and 12, the Examiner has taken the Applicant's remarks out of context. In the passage quoted above from the September 30, 2006 response, the Applicant was referring only to claim 1 and distinguishing it from the '115 patent. Nowhere in that Response did the Applicant suggest that independent claims 6 or 12 require that the module allows both services to pass through a modem and be filtered in the modem such that only the voice services exit from the modem to the premise output. For the sake of clarity, the discussion of claim 6 on page 7 of those Remarks is reproduced here as follows:

“Claim 6 requires a communication module comprising inter alia, a modem output for passing selected ones of the communication lines to a modem: a modem input for receiving the selected ones of the communication lines from the modem: and a security interface for passing a selected communication line to a security system... Not only does the '115 reference not teach nor suggest a security system interface, it fails to teach or suggest a single communications module which has a modem output for passing selected ones of the communication lines to a modem and a modem input for receiving the selected ones of the communication lines from the modem. The Examiner's reliance on element 50 in '115 for both the modem output and the modem input is misguided since the element 50 merely represents an output of tip and ring signals from the interface recognition switch and modem is connected in parallel with the analog circuit output to the speaker 27. Having separate modem output and inputs on the communication module as claimed in claim 6 results instead in a series arrangement whereby the selected ones of the communication lines pass first through the modem then to the premise output. Reconsideration and withdrawal of the rejections of claims 6 and 10 is respectfully requested.”

Likewise, for the sake of clarity, the discussion of claims 12-16 on page 8 of those Remarks is reproduced here as follows:

“With regard to claims 12-16 the Examiner in his rejection points to a modem interface means, however the present claim 12 as amended in the last office action does not recite a modem interface means but instead recites a filter interface means. The Examiner has not shown any such filter interface means in the reference and therefore the rejection of claims 12-16 should be withdrawn. Additionally, applicant respectfully contends that the

‘115 reference does not teach nor suggest a security system interface means connected between a filter interface means and the output means.”

Clearly, it can be seen from these passages that with respect to claims 6 and 12, the Applicant made no reference to a module which allows both **services** to pass through a modem and be filtered in the modem such that only voice services exit from the modem to the premise output. With respect to claim 6, no mention is made of passing both **services** and furthermore no mention is made of filtering in a modem nor mention of voice services exiting the modem. With respect to independent claim 12, the remarks do not even refer to nor suggest a modem, let alone any requirement that voice services exit a modem. Therefore, Applicant respectfully contends that because there is no reference made to a modem being required in those remarks regarding claims 6 and 12 and additionally because of the reasons stated above, the Examiner has not shown any evidence in the Applicant response of September 30, 2005 that these claims and those that depend therefrom fail to correspond in scope with what Applicant regards as the invention.

A careful review of the subsequent Applicant response of April 28, 2006 reveals consistent arguments in support of Applicant’s contention that the Examiner has taken the Applicant’s remarks out of context. The remarks in the paragraph which bridges pages 7 and 8 were made with respect to claim 1. The brief reference to claim 6 on page 8 is made only to support the contention that the function of the modem input and modem output is recited without requiring any modem as a element of the claim 6. The preceding remarks of that paragraph were made solely with respect to claim 1 and were not applicable to claim 6. The Examiner may not suggest that Applicant argued there that claim 6 or 12 is distinguishable from the art of record because of any feature which allows both services to pass through a modem and be filtered in the modem such that only voice services exit from the modem to the premise output. Likewise, the Examiner has not shown any evidence in the Applicant response of April 28, 2006 that these claims and those that depend therefrom fail to correspond in scope with what Applicant regards as the invention.

In view of the remarks presented here, reconsideration and withdrawal of the rejection of claims 6-16 under 35 USC § 112, second paragraph is requested.

For all of the foregoing reasons and in view of the foregoing remarks, Applicants respectfully contend that the application is in condition for allowance. Reconsideration and passage to issue therefore requested. Please charge any additional requisite fees relating to this amendment and response to Deposit Account No. 501581.

Respectfully submitted,

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